

02-27-06

IPW



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of) Examiner: Lee S. Cohen
Alan K. Schaer) Group Art Unit: 3739
For: EP CATHETER)
Serial No.: 10/601,288)
Filed: June 20, 2003)
Docket No.: R0370-02101)

EXPRESS MAIL LABEL NO.: EQ 352463262 US

Mailed in San Francisco, CA on February 24, 2006

PETITION TO RESCIND NOTICE OF ABANDONMENT UNDER 37 C.F.R. §1.181

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Patent Office to rescind the Notice of Abandonment (copy enclosed) mailed January 30, 2006 in the above-referenced application. The Notice of Abandonment states that "No reply has been received" to the Office Action mailed June 7, 2005 from the Patent Office.

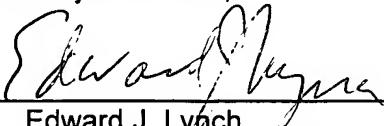
On December 2, 2005 via facsimile, Applicant filed his Amendment And Response To Office Action Mailed 06/07/2005. Applicant encloses herewith a copy of that response as filed on December 2, 2005 in its entirety. Further enclosed is a copy of the Patent Office facsimile acknowledgement of receipt of Applicant's response filed December 2, 2005.

Based on the aforementioned facts, Applicant believes there was no cause for the Patent Office mailing of the Notice Of Abandonment.

Applicant believes himself not to be in error; therefore, no fee is due. Should the Commissioner find otherwise, the Commissioner is authorized to charge the fees due and to

credit any overpayment of fees which may be required under 37 C.F. R. §§1.16 and 1.17 to
Deposit Account No. 04-1679, referencing Attorney Docket No. R0370-02101.

Respectfully submitted,

By: 

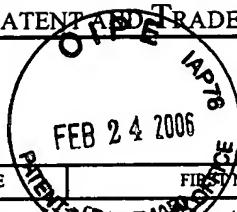
Edward J. Lynch
Registration No. 24,422
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UNITED STATES PATENT AND TRADEMARK OFFICE

R0370 - 02101



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,288	06/20/2003	Alan K. Schaer	09610.1271	1511

7590 01/30/2006

Edward J Lynch
One Market Plaza
Spear Street Tower Suite 2100
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RECEIVED

FEB 16 2006

DATE MAILED: 01/30/2006

DUANE MORRIS

EXAMINER
COHEN, LEE SART UNIT
3739

PAPER NUMBER

Please find below and/or attached an Office communication concerning this application or proceeding.

Petitions due
March 30, 2006
DOCKETED

FEB 16 2006

BY DW



Notice of Abandonment

Application No.	Applicant(s)	
10/601,288	SCHAER, ALAN K.	
Examiner	Art Unit	
Lee S. Cohen	3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 07 June 2005.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.

2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.

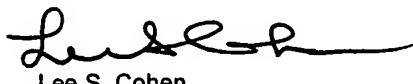
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.

4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. The reason(s) below:


 Lee S. Cohen
 Primary Examiner
 Art Unit: 3739

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.